

1  
2  
3  
4  
5  
6  
7

8 UNITED STATES DISTRICT COURT  
9 Northern District of California  
10 San Francisco Division

11 PHILIP E POOR, No. C12-02206 LB  
12 v. Plaintiff,  
13 MARIO BANA, et al., ORDER REGARDING  
14 Defendants. DEFENDANTS' SEPTEMBER 23, 2013  
15 / DISCOVERY LETTER BRIEF  
[Re: ECF No. 45]

16 On September 20, 2013, pursuant to the court's order at the last case management conference,  
17 Plaintiff filed his discovery plan. *See* ECF No. 44. Defendants object to it on the grounds that it is  
18 disproportionate to the litigation and duplicative of discovery already taken in the case of *Garcia v.*  
19 *Bana*, No. C11-02407 LB, in which the parties' counsel both participated. They also note that fact  
20 discovery is closed (although the court's previous expressed position was that it would extend  
21 discovery deadlines by stipulation of the parties and as necessary to keep costs down). That being  
22 said, ordinarily parties must show good cause for failure to comply with discovery deadlines to  
23 warrant an extension of them. *See* N.D. Cal. Civ. L.R. 37-3.

24 To address the issues, the court orders the following procedure. The court's discovery  
25 procedures require an in-person meeting and a joint discovery letter brief. *See* ECF No. 2-1  
26 (standing order). Under the circumstances, and given how the litigation has gone so far, the court  
27 directs the completion of a discovery chart. Mr. Wang must email his version in word-processible  
28 format to Mr. Paetkau by 12:00 p.m. on Friday, October 4, 2013. If he does not, fact discovery will

1 be deemed closed. *See* Case Management Order, ECF No. 24 at 2 (setting forth deadlines, including  
 2 a fact discovery cut-off of April 5, 2013). Mr. Paetkau then will respond in his portion of the chart  
 3 and email a word-processible version back to Mr. Wang by 12:00 p.m. on October 10, 2013, e-file a  
 4 copy on ECF, and email a word-processible version to the court's orders box at  
 5 [lbpo@cand.uscourts.gov](mailto:lbpo@cand.uscourts.gov). Mr. Wang then has until 12:00 p.m. on Tuesday, October 14, 2013 to add  
 6 in a response at the bottom of his column. He then must e-file it on ECF and email a word-  
 7 processible version to the court's orders box at [lbpo@cand.uscourts.gov](mailto:lbpo@cand.uscourts.gov).

8       The chart should have these categories. The parties' initial positions are limited to 250 words  
 9 per category, and each party's position should include its compromise (e.g., a one-hour deposition).  
 10 Any response by Mr. Wang is limited to 50 words. For depositions, Plaintiff should name the  
 11 witness, summarize the expected testimony, provide a basis for saying why the expected testimony  
 12 differs from that in the prior depositions or at trial (as called out by Mr. Paetkau in his letter), and  
 13 propose appropriate time limits. (This does not mean that the court will order depositions but is  
 14 meant to promote a realistic assessment of what is achievable and how much time it will take.) For  
 15 documents, Plaintiff must propound specific document requests and attach them or provide the date  
 16 by which he will do it. If the discovery is third-party discovery, Plaintiff must say so and identify  
 17 the time period by which he will serve the requests. For interrogatories, Plaintiff must propound  
 18 them, attach them, or provide the date by which he will do it.

19       The court then will review the chart and determine the appropriate next steps.

20 **Issue 1: Site Inspection**

21 Plaintiff

Defendants

22 Position:

Position:

24 Response:

25 **Issue 2: Documents: Bookkeeper, EDD, and worker's compensation insurance carrier**

26 Plaintiff

Defendants

1	Position:	Position:
2		
3	Response:	
4	<b>Issue 3: Documents from Ideal RV re Poor and other employees</b>	
5	Plaintiff	Defendants
6	Position:	Position:
7		
8	Response:	
9		
10	<b>Issue 4: Interrogatories</b>	
11	Plaintiff	Defendants
12	Position:	Position:
13		
14	Response:	
15	<b>Issue 5: Depositions</b>	
16	Plaintiff	Defendants
17	<b>Mr. Bana</b>	Position:
18	Position:	
19		
20	Response:	
21	<b>Ms. Bana</b>	Position
22	Position:	
23		
24	Response:	
25	<b>Current Worker 1</b>	Position:
26	Position:	
27		
28	Response:	

UNITED STATES DISTRICT COURT  
For the Northern District of California

1	<b>Current Worker 2</b>	Position:
2	Position:	
3	Response:	
4	<b>Former Worker 1</b>	Position:
5	Position:	
6	Response:	
7	<b>Former Worker 2</b>	Position:
8	Position:	
9	Response:	
10	<b>Former Worker 3</b>	Position:
11	Position:	
12	Response:	
13	<b>Former Worker 4</b>	Position:
14	Position:	
15	Response:	
16	<b>Former Worker 5</b>	Position:
17	Position:	
18	Response:	
19	<b>Former Worker 6</b>	Position:
20	Position:	
21	Response:	
22		
23		
24		
25		
26		
27		
28		

1 2 3 4 5 6 7 8	<b>Neighbor 1</b> Position:  Response:	Position:
	<b>Neighbor 2</b> Position:  Response:	Position:

9 This disposes of ECF No. 45.

10 **IT IS SO ORDERED.**

11 Dated: September 25, 2013

12   
13 LAUREL BEELER  
United States Magistrate Judge

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28